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Fifth Committee

Summary record of the 1st meeting
Held at Headquarters, New York, on Tuesday, 30 September 2003, at 10 a.m.

Chairman: Mr. Kmoníček ..... (Czech Republic)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

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The meeting was called to order at 10.15 a.m.

Election of the Vice-Chairmen and Rapporteur

1. **The Chairman** invited the Committee to observe a minute's silence in memory of the victims of the attack carried out against the United Nations on 19 August. He then announced that, in accordance with General Assembly resolution 52/163, the Committee must elect three Vice-Chairmen and a Rapporteur. He took it that the Committee wished to elect Mr. Bouheddou (Algeria), Mr. Elkhuizen (Netherlands), and Mr. Pulido León (Venezuela) as Vice-Chairmen and Mr. Rajeh (Saudi Arabia) as Rapporteur. Their candidatures had been endorsed by the Group of African States, the Group of Western European and Other States, the Group of Latin American and Caribbean States and the Group of Asian States, respectively.

2. *Mr. Bouheddou (Algeria), Mr. Elkhuizen (Netherlands), and Mr. Pulido León (Venezuela) were elected Vice-Chairmen and Mr. Rajeh (Saudi Arabia) Rapporteur, by acclamation.*

Organization of work

3. **The Chairman** invited the Committee to consider its programme of work for the main part of the current session, as set forth in the informal paper circulated to delegations. He drew attention to document A/C.5/58/1, which listed the agenda items allocated to the Committee by the General Assembly, and to document A/C.5/58/L.1, which listed the documentation relating to those items. He noted that the General Assembly had decided to allocate to the Committee agenda item 59, entitled "Strengthening of the United Nations system", for the sole purpose of considering the reports of the Secretary-General entitled "Improvements to the current process of planning and budgeting", and "Intergovernmental review of the medium-term plan and the programme budget". Since that item would be considered in plenary on 27 October, no meeting of the Fifth Committee had been scheduled for that day in order to enable delegations to follow the deliberations of the plenary.

4. The Secretariat had organized two seminars, the first of which would address the scale of assessments for the apportionment of the expenses of the United Nations and the scale of assessments for the apportionment of the expenses of the United Nations peacekeeping operations; the second would address issues relating to the proposed budget programme for the biennium 2004-2005.

5. He drew the attention of members to the first report of the General Committee (A/58/250), in particular to paragraph 58 relating to agenda item 122 (Programme planning) in which the General Committee had decided to recommend to the Assembly that the relevant intergovernmental bodies, including the Main Committees, should include in their programme of work a review of the recommendations of the Committee for Programme and Coordination and transmit all relevant comments to the Fifth Committee prior to its consideration of the proposed medium-term plan and its revisions, as well as the recommendations contained in chapter III, section C, entitled "Evaluation" of the report of the Committee for Programme and Coordination (A/58/16). Accordingly, the Fifth Committee would await the recommendations of the Main Committees before considering that agenda item.

6. He also drew attention to paragraph 30 of the report, in which the General Committee referred to General Assembly decision 34/401, which stated that the Main Committees should allow sufficient time for the preparation of the estimate of expenditures by the Secretariat and for its consideration by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the Fifth Committee, and should take that requirement into account when adopting their programme of work. Moreover, a mandatory deadline, not later than 1 December, should be established for the submission to the Fifth Committee of all draft resolutions with financial implications.

7. In paragraph 27 of the report, the General Committee recalled that the General Assembly, in its resolutions 48/264 and 55/285, had encouraged Member States to exercise restraint in making requests for new reports, notably by requesting integrated reports and, in its resolution 57/270 B, had recognized the need to avoid requesting duplicative reports from the Secretary-General.

8. Noting that the Committee must complete its work by 9 December at the latest, he urged delegations to ensure that their colleagues in the Main Committees completed their consideration of all draft resolutions having budget implications as soon as possible, with a

view to allowing sufficient time for the necessary preparation of statements on programme budget implications for consideration by ACABQ and subsequently by the Fifth Committee.

9. With respect to agenda item 17, he proposed that Friday, 17 October, should be set as the deadline for the submission of candidatures and the confirmation of appointments to vacancies in the subsidiary organs and other appointments.

10. **Mr. Mantovani** (Italy), speaking on behalf of the European Union, the acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey and, in addition, Iceland, Liechtenstein and Norway, welcomed the holding of seminars on the programme budget and the scales of assessment. The Committee would be facing many important issues during the current session, such as the scales of assessments for the regular and peacekeeping budgets, the financing of the International Criminal Tribunals for the Former Yugoslavia and Rwanda, the reports of inspecting and auditing bodies, and important peacekeeping operations and special political missions. The Committee could also consider single-stage intergovernmental review of the medium-term plan and the programme budget, once the General Assembly had set up guidelines in that regard. With such a busy agenda, the goodwill and flexibility of all delegations would be necessary to the success of negotiations. For its part, the European Union would spare no effort towards achieving that end.

11. The European Union supported the decisions taken by the Bureau, particularly concerning the time allocated for the discussion of one of the most important matters, the programme budget. To enable the Committee to devote the necessary time to budgetary matters, his delegation hoped that consideration of as many as possible of the other agenda items would be concluded by the end of October. Discussions on the scales of assessments should be concluded before consideration of the proposed programme budget began. Whenever possible, the Committee should consider taking note of undisputed reports to allow more time for debate on more contentious issues. The European Union welcomed the fact that the time allocated to formal meetings on the budget was brief, and believed that informal consultations should begin as soon as possible and that negotiations on draft resolutions should be conducted rapidly and effectively.

12. **Ms. Afifi** (Morocco), speaking on behalf of the Group of 77 and China, welcomed the organization by the Secretariat of two seminars which would enable members of the Committee to have a better grasp of issues such as the scale of assessments for the apportionment of the expenses of the United Nations and the scale of assessments for peacekeeping operations. She was pleased that outstanding issues deferred from the previous session had been included in the programme of work.

13. Sufficient time must be allocated for the discussion of priority items. A number of matters before the Committee were of particular interest for the Group of 77 and China, particularly the scale of assessments, improving the financial situation of the United Nations, the pattern of conferences, procurement and outsourcing, the financing of peacekeeping operations, the capital master plan, programme planning and the financing of the International Criminal Tribunals.

14. The Group of 77 and China believed that applications for exemption under Article 19 of the Charter of the United Nations should be considered during the first week of the programme of work. It was also important that the Secretariat should submit documentation in accordance with the six-week rule, since late submission was an impediment to the proper functioning of the Committee. She recognized the efforts that had been made by the Secretariat in that area and noted an improvement as compared to previous sessions, but she noted with concern that some documents continued to be issued late.

15. The Group of 77 and China wondered why agenda item 128, "Administration of justice at the United Nations", had not been included in the proposed programme of work.

16. **Ms. Incera** (Costa Rica) expressed surprise at the fact that, in the proposed programme of work, only three formal meetings had been allocated to the first reading of the budget. It was vital that the introduction of each section of the budget and of related issues should take place during formal meetings. Two years earlier the Committee had agreed that, on an experimental basis, that the various sections of the programme budget should be introduced and considered during informal consultations. There was

every sign that that formula was to be retained, but her delegation did not consider it satisfactory. She further requested that the programme of work should include the item concerning the prohibition of smoking at United Nations Headquarters and the non-compliance by the Secretariat with General Assembly decision 38/401 and subsequent decisions on the subject.

17. **Ms. Núñez Mordoche** (Cuba) said that her delegation associated itself with the statement made by the representative of Morocco on behalf of the Group of 77 and China. The proposed programme of work gave too little time for consideration of certain issues such as the pattern of conferences and the scale of assessments; at least two additional meetings should be devoted to those two items. Her delegation further considered that the first reading of the budget could not take place in only three formal meetings and requested that two additional formal meetings should be allocated to it. The way in which the budget had been considered at the fifty-sixth session must not become established practice, since it prevented States wishing to do so from expressing themselves clearly on budget proposals during formal meetings. The total number of formal meetings allocated to the consideration of the budget should therefore be increased. On the subject of applications for exemption under Article 19 of the Charter, her delegation supported the position of the Group of 77 and China that the Committee should decide that issue during its first week of work. It would also be useful for members of the Committee to have information on the financial situation of the Organization before the introduction of that item.

18. The simultaneous introduction of a large number of items was a matter of concern because some delegations, particularly those of the developing countries, comprised only small numbers of representatives. It was essential that delegations should analyse the documents introduced if intergovernmental discussions were to be fruitful. The briefing on the situation in Iraq should have been programmed under the item on the safety of staff. Similarly, the reports of oversight bodies should be considered under the relevant agenda items. Lastly, programme-related aspects of the budget should be considered by the Main Committees, in accordance with established practice.

19. **Mr. Abelian** (Secretary of the Committee), responding to delegations' questions and remarks, said that the reason why the item entitled "Administration of justice at the United Nations" did not appear in the programme of work was that the report of the Office of Internal Oversight Services (OIOS) on the subject had been delayed and would not be submitted until June 2004. As for applications for exemption under Article 19 of the Charter, he said that, in accordance with established practice, the report of the Committee on Contributions had been submitted in July to the President of the General Assembly at its fifty-seventh session, and he had forwarded it to the Chairman of the Fifth Committee for consideration during the current session. While the Bureau of the Committee had initially decided that the subject would be considered during the first week of its programme of work, it had subsequently decided to postpone its consideration to the second week, when the Committee would consider agenda item 124, concerning the scale of assessments. That decision had been taken when the Bureau had learned that elections in the plenary would not take place until 23 October. The Bureau would review that decision in accordance with the requests from Member States.

20. As for the question raised by Costa Rica concerning the prohibition of smoking in the Secretariat, the decision had been made by the General Committee on the recommendation of the Director-General of the World Health Organization (WHO). The issue was not on the agenda and was not within the remit of the Committee or of its Bureau.

21. **The Chairman** said that he took it that the Committee wished to adopt the proposed programme of work on the understanding that it would be modified as needed during the session, and to take note of the recommendations of the General Assembly.

22. **Ms. Incera** (Costa Rica) said that she could not approve the programme of work before examining the revised version. In particular, she could not agree that the sections of the budget should be discussed only in informal consultations.

23. **Mr. Sy** (Senegal) said that his delegation also hoped that the changes to be made to the programme of work would be brought to the attention of Member States before it was adopted. The delegations of the developing countries had very limited means, and informal consultations were sometimes a way of excluding those delegations from discussions.

24. **Ms. Núñez Mordoche** (Cuba), supported by **Mr. Camara** (Guinea), expressed support for the statements made by the representatives of Costa Rica

and Senegal and proposed that the Bureau should submit a revised draft programme of work taking into account all the remarks that had been made.

25. **Mr. Iossifov** (Russian Federation) said that the programme of work, once revised in accordance with the wishes of Member States, could then be amended when necessary so that delegations could give close consideration to matters of particular interest to them. As for the decisions about smoking, he recalled that the matter had been settled by General Assembly resolution 55/222 of 23 December 2000, which did not provide for a total prohibition of smoking. From the legal viewpoint, the decisions of the General Assembly should not be called into question.

26. **Ms. Incera** (Costa Rica) said that in recent years, regrettably, the Secretariat had increasingly tended to disregard decisions of the General Assembly and to present Member States with a fait accompli in relation to matters such as the transfer of the secretariats of the Fifth and Sixth Committees, the abolition of the Repertory of Practice of United Nations Organs or the prohibition of smoking. In the latter case, although Member States had clearly expressed their wishes in a General Assembly resolution, the Secretariat had on its own initiative, and unacceptably, modified a regulation which it expected security personnel to enforce. Under the most elementary rules of protocol and diplomatic courtesy, it was not possible to forbid heads of delegation and representatives of sovereign Member States to smoke, or attempt to prevent them from doing so. Pursuant to article 2, section 8, of the Headquarters Agreement, regulations in force in New York City were not applicable within the grounds of the Headquarters. She requested the Secretariat to give her, at the next meeting, a written answer on the following issues: (1) by what authority had security staff been instructed to harass smokers, threatening to note diplomats' names and the countries they represented and to report them "in high places"; (2) what use did the Secretariat intend to make of the resulting list of names; and (3) who was maintaining order and security in the United Nations buildings while the security staff were chasing smokers.

27. **The Chairman** said that the Secretariat had informed him that it would provide a written answer to those questions. As for the draft programme of work, he suggested that the Committee should adopt the programme for the first week so that it could begin its work, and that it should request the Bureau to submit a revised version of the rest of the programme, taking account of the wishes, suggestions and proposals of Member States.

28. **Ms. Núñez Mordoche** (Cuba) said that the request by the Group of 77 and China for the items on the scales of assessments and the application of Article 19 to be considered during the first week would modify the programme of work. She wondered how that request would be taken into account if the programme of work for the first week was adopted unchanged as suggested by the Chairman.

29. **Mr. Abelian** (Secretary of the Committee) said that, as proposed earlier by the Chairman, the Bureau would meet to revise the programme of work so that the question of the application of Article 19 could be considered during the first week.

The meeting rose at 11.10 a.m.